REMARKS

By way of the above amendments, the application has been amended to bring it into conformity with US patent application format, claims 4 and 5 have been amended and claims 10-15 have been canceled. All of the amendments have support in the originally filed application, particularly at page 9 in the Figure legends; at page 16, in the Example; and in the originally filed claims, such as at page 27, line 2. It is believed that no new matter is entered by way of these amendments and their entry is respectfully requested.

It is believed that the above amendments to the claims and the following remarks address and overcome each of the outstanding rejections to the claims. Reconsideration of each of the rejections is therefore respectfully requested.

Interview Statement

Applicants wish to thank Examiners Vivlemore and McGarry for the courtesy extended to their representative during the interview of April 14, 2005. In the interview, each of the outstanding rejections of the claims was discussed. Reconsideration of the rejections was requested in view of the amendments and comments provided in this Response.

Objections to the Specifications

At pages 2-4 of the Office Action, the Examiner has raised a number of objections to the specification.

Applicants have amended the application to place it into US Patent format in order to overcome these objections.

Rejection under 35 USC 112

At page 5 of the Office Action, the Examiner has rejected the claims under 35 USC 112 holding that the application does not support the limitation of "not more than 21 nucleotide in length."

As discussed at the interviews, Applicants have amended the claims to obviate this rejection to recite the range "15-21 nucleotides in length." This range is supported by the disclosure of (1) the 15-49 nucleotide range found throughout the application, such as at page 4, line 1; (2) the 21 nucleotide Example provided in the Specification at page 17 (SEQ ID NO:8); and (3) the recognized and allowed practice provided in MPEP 2163.05 of using the number disclosed in an internal example that is within a disclosed and claimed range to set a new bound for the claimed range (also see **In re Wertheim**, 541 F.2d 257, 262, 191 USPQ 90, 96 (CCPA 1976)).

Double Patenting

At pages 5-7 of the Office Action, the Examiner has rejected the claims under the doctrine of Double Patenting in view of US 09/889,802, noting that this is a provisional rejection because the conflicting claims are not presently allowable.

Applicants hereby submit a terminal disclaimer to overcome this rejection.

Rejections Under 35 USC 102

At page 7 of the Office Action, the Examiner has rejected claims 4, 5 and 7 under 35 USC 102(b) as being anticipated by Kmiec.

Applicants have amended the claims to overcome this rejection and further point to the following remarks in support of the patentability of the claimed invention in view of Kmiec.

The claims state that the oligoribonucleotide consists of "two separate, not linked, complementary oligoribonucleotide strands."

As provided in the Office Action and as discussed in the interview, Kmiec requires that the molecules disclosed therein consist of "at least contiguous bases of the homologous region of the first strand are ribo-type nucleobases that are Watson-Crick base paired to **deoxyribo-type nucleobases** of the second strand." (At column 4, lines 57-60, emphasis added). Molecules containing "deoxy-ribo type bases" are not "oligoribonucleotide strands" as required by the claims.

In addition, in Kmiec, "The sequence of the first and second strands consists of at least two separate regions that are homologous to the target gene and one or more regions (the "mutator regions") that differ from the target gene and introduce the genetic change into the target gene" (at column 5, lines 14-19).

As claimed, the molecules of the present invention are required to be "complementary" to "an RNA transcript." As recognized in the art, complementary refers to sequence identity and molecules that differ in sequence as required by Kmiec ARE NOT "complementary" to a target but have only partial sequence complementarily to the target.

A further note of difference is that the molecules of Kmiec are disclosed as being capable of introducing a genetic change in an organism. Conversely, the molecules of the present invention are not capable of such activity since they are complementary to a target mRNA and do not contain the elements recited by and required by Kmiec.

At page 8 of the Office Action, the Examiner has rejected claims 10-15 under 35 USC 102(b) as being anticipated by Agrawal.

Applicants have cancelled these claims to overcome this rejection.

SUMMARY

Applicants have amended the claims and provided arguments to address each of the outstanding rejections of the claims. It is believed that the rejections have been addressed and that the application is in condition for allowance. It is requested that the Examiner contact Applicants undersigned representative if the Examiner believes that a telephonic interview would expedite this case.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States.

No fee is believed due. Please apply any charges or credits to deposit account 06-1050, referencing attorney docket number 14174-105US5.

Respectfully submitted,

Date: 4/22/05

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